

## **CITY UTILITIES COMMITTEE**

### **MINUTES**

**JULY 1, 2008**

The regularly scheduled meeting of the City Utilities Committee held on **Tuesday, July 1, 2008 at 9:11 a.m.**, in Committee Room #2. The following members were present:

**The Honorable Carla Smith, Chair**  
**The Honorable Natalyn M. Archibong**  
**The Honorable Clair Muller**  
**The Honorable Howard Shook**  
**The Honorable Ivory L. Young, Jr.**

The following member was absent:

**The Honorable Ceasar C. Mitchell, Vice-Chair**

Others present at the meeting were: Councilmembers Joyce Sheperd and Anne Fauver; Theresa Stewart, Saul Schultz, Renee Sheperd and Stephanie Grant, Law Department; Deputy Commissioners Shelia Pierce and George Barnes, Department of Watershed Management; Madelyn Grant and Nursef Kadir, Department of Public Works; Cathy Martin, Office of Procurement; members of the public, press and Council Staff.

Chair Smith called the meeting to order at 9:12 a.m. after declaring a quorum present. She then proceeded with the following order of business.

- A. ADOPTION OF THE MINUTES - ADOPTED**
- B. APPROVAL OF MINUTES - APPROVED**
- C. COMMENTS FROM THE PUBLIC**
- D. ORDINANCES FOR SECOND READING**

08-O-1155 (1) A **Substitute** Ordinance by City Utilities Committee to amend Ordinance 01-O-0301, adopted by the City Council on August 6, 2001 and approved by the Mayor on August 13, 2001, by incorporating specific Federal and State of Georgia Department of Transportation language required of all Federal Construction Contracts by including the Davis-Bacon Act and Title VI of the Federal Civil Rights Act; and for other purposes.  
**(Councilmember Shook made a motion to approve on substitute.)**  
**FAVORABLE ON SUBSTITUTE**

**ORDINANCES FOR SECOND READING (CONT'D)**

- 08-O-1247 ( 2)     An Ordinance by Councilmember Anne Fauver to amend Chapter 74, Article XI (Litter Control), Section 74-607 of the Code of Ordinances of the City of Atlanta, to remove the current requirement that the owner or person in charge of a vehicle upon which handbills or unsolicited newspapers have been placed must either testify under oath or otherwise formally affirm that such materials were place on said vehicle without said owner's consent, to waive conflicting ordinances; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE (1 ABSTENTION) ARCHIBONG**

- 08-O-1253 ( 3)     An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain subdivision SD-07-63 (3025 & 3003 E. Pine Valley Road and 385 Argonne Drive, NW) applicant deposit a dollar amount (\$15,541.50) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 8; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

- 08-O-1254 ( 4)     An Ordinance by Councilmember Clair Muller authorizing the Mayor or her designee to waive the sidewalk requirements of Section 15-09.003 of the City of Atlanta Code of Ordinances, to provide that a certain subdivision SD-06-37 (4040 Randall Mill Road, NW) applicant deposit a dollar amount (\$26,141.31) equal to the value of the required sidewalk construction into a designated Trust Fund Account for District 8; and for other purposes.  
**(Councilmember Muller made a motion to approve.)**

**FAVORABLE**

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**E.    RESOLUTIONS**

- 08-R-1248 ( 1)    A Resolution by Councilmember Anne Fauver authorizing the Mayor to enter into an agreement with Piedmont Driving Club, for the construction and operation of a temporary tie-back support system, on behalf of the Department of Public Works; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 08-R-1275 ( 2)    A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement with the Georgia Aquarium, Inc., for the construction and operation of temporary tie-back support under the right-of way of Luckie Street; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

- 08-R-1276 ( 3)    A Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Agreement No. 1 and the establish the compensation limits for Parsons/US Infrastructure, JV, for FC-7568-03, Program and Construction Management Services for the Quality of Life Bond Program, during the fifth term of the contract on behalf of the Department of Public Works, in an amount not to exceed \$1,357,166.91; all contracted work shall be charged to and paid from Fund, Department and Account Number 3138 (2008 Quality of Life Bond Fund) 1303308 (DPW Transportation Design) 5410001 (Consulting/Prof Services-Capital Projects) and Various PTAE0 Funding Sources; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

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**RESOLUTIONS (CONT'D)**

- 08-R-1277 ( 4)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to enter into Renewal Lease Agreement with Russell C. McCall and Atlanta Loft Company, LLC for rental space located at 236 Forsyth Street, SW, Atlanta, Georgia on behalf of the Department of Watershed Management; in an amount not to exceed \$306,805.60; to be charged to and paid from Various Fund, Department Organization and Account Numbers; and for other purposes.  
**(Councilmember Archibong made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 08-R-1279 ( 5)     A Resolution by City Utilities Committee authorizing the Mayor to enter into Amendment Agreement No. 4 for Agreement FC 6005007944, Water Meter Replacement and Automated Meter Reading ("AMR") deployment with K & V/Meter Automation, LLC Joint Venture ("JV"), to add new unit prices on behalf of the Department of Watershed Management; and for other purposes.  
**(Councilmember Smith made a motion to approve.)**

**FAVORABLE**

- 08-R-1280 ( 6)     A Resolution by City Utilities Committee authorizing the Mayor to execute a Project Framework Agreement between the City of Atlanta and the Georgia Department of Transportation for Design and Construction Services for East Atlanta Village Streetscapes Phase II; and for other purposes.  
**(Councilmember Archibong made a motion to approve.)**

**FAVORABLE**

**RESOLUTIONS (CONT'D)**

- 08-R-1281 ( 7)     An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute Amendment No. 2 to Contract No. FC-7710-04, Flow Measurement in Combined Sewers and Separate Sanitary Sewers, between the City of Atlanta and ADS, LLC, on behalf of the Department of Watershed Management; to add funding in an amount of not to exceed \$1,500,000.00; all contracted work to be charged to and paid from Fund, Department Organization and Account Number; 5051 (Water & Wastewater Revenue) 170212 (DWM Wastewater Collection) 5222003 (Repair & Maintenance-Other) 4310000 (Sanitary Administration); and for other purposes.  
**(Councilmember Smith made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 08-R-1282 ( 8)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Arcadis/Brindley, Pieters & Associates, a Joint Venture for FC-7619-03A, Annual Contract for Architectural and Engineering Services, for the Development of Concept Reports for Various Quality of Life Streetscape Projects, on behalf of the Department of Public Works, in an amount not to exceed \$503,000.00 with all contracted work to be charged to be charged to and paid from the following Fund, Department/Organization and Account Numbers: 3138 (2008 Quality of Life Bond), 130308 (DPW Transportation Design), 5410001 (Consulting/Professional Services/Capital Projects); and other PTAEF Funding Sources; and for other purposes.  
**(Councilmember Archibong made a motion to approve.)**

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**RESOLUTIONS (CONT'D)**

- 08-R-1283 ( 9)     A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** with Atlanta Services Group, a Joint Venture for FC-7619-03B, Annual Contract for Architectural and Engineering Services, for the Development of Concept Reports and the Development of a Master Plan Report for Various Quality of Life Streetscape and Intersection Projects, on behalf of the Department of Public Works, in an amount not to exceed \$300,000.00 with all contracted work to be charged to and paid from the following Fund, Department/Organization and Account Numbers: 3138 (2008 Quality of Life Bond), 130308 (DPW Transportation Design), 5410001 (Consulting/Professional Services/Capital Projects); and other PTAE0 Funding Sources; and for other purposes.  
**(Councilmember Archibong made a motion to approve.)**

**FAVORABLE**

- 08-R-1284 (10)     A Resolution by City Utilities Committee authorizing the Mayor or her designee to apply for and accept an Urban Area Security Initiative ("UASI") Reimbursement Grant on behalf of the Department of Watershed Management for the Georgia Water/Wastewater Agency Response Network in an amount not exceed \$100,000.00 for the purpose of acquiring an itemized specific inventory of equipment, supplies and skill-sets related to emergency response; and for other purposes.  
**(Councilmember Shook made a motion to approve.)**

**FAVORABLE**

**F.     ORDINANCE FOR FIRST READING**

- 08-O-1274 ( 1)     An Ordinance by City Utilities Committee authorizing the Chief Financial Officer to amend the FY 2008 Budget (Water and Wastewater Renewal and Extension Fund (2J21) – Commercial Paper, Series I) in the amount of \$100,583,945.31 to transfer funds from remaining completed, realigned, postponed or discontinued projects to the Capital Projects Reserve and add to appropriation funds for Sewer Group 2 – Rehabilitation (22,924,000.00) and South River Tunnel & Pump Station (74,630,000.00); and for other purposes.

**TO BE REFERRED TO CITY UTILITIES COMMITTEE**

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**G. PAPERS HELD IN COMMITTEE**

- 06-O-0937 ( 1) An Ordinance by Councilmember Clair Muller to amend Article VII of Chapter 74 entitled "**Riparian Buffer Requirements**"; to officially change the administrating Department to Watershed Management, to streamline the review process and clarify the Public Notice Requirements; and for other purposes. **(Held 4/25/06 for further review by the Department of Watershed Management)**

**HELD**

- 07-R-0002 ( 2) A Resolution by City Utilities Committee authorizing the Mayor to enter into a Maintenance Agreement with the Georgia Department of Transportation to convert a section of Bolton Road, Fulton Industrial Boulevard and Harwell Road to temporary State Route for Bridge Improvements; and for other purposes. **(Held 1/9/07 for further review)**

**HELD**

- 07-R-1214 ( 3) A Resolution by City Utilities Committee authorizing the Mayor to issue a **Notice to Proceed** to Jacobs/PRAD/PBS & J, Joint Venture, for FC-7619-03D, Annual Contract for Architectural and Engineering Services, White Paper Study for the Policy Level Analysis of Security Options for Drinking Water Assets, in an amount not to exceed \$48,250.48; all contracted work will be charged to and paid from Fund, Account and Center Number: 2J01 (Water & Wastewater Revenue Fund) 524001 (Consultant/Professional Services) Q12001 (Watershed Security); and for other purposes. **(Held 6/12/07 at the request of Councilmember Shook for further review.)**

**HELD**

- 07-R-1477 ( 4) A Resolution by City Utilities Committee approving the Department of Public Works use of that certain section of Chastain Park along Powers Ferry Road for the purpose of widening the bridge over Nancy Creek and maintaining the same in perpetuity and for the purpose of placing and maintaining a drainage system in perpetuity, whereby said DPW use shall not interfere with the use of said property as parkland; and for other purposes. **(Held 7/31/07 for further review)**

**HELD**

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**PAPERS HELD IN COMMITTEE**

- 07-O-1521 ( 5)     An Ordinance by Councilmember Natalyn M. Archibong to amend Chapter 138 of the Code of Ordinances of the City of Atlanta so as to create a new Article VIII to be entitled "Outdoor Dining Areas"; to amend Article II of Chapter 138 so as to create a new Division 8 to be entitled "Outdoor Dining Areas"; to establish procedures for the authorization of restaurants that wish to provide Outdoor Dining Services; and for other purposes. **(Held 7/31/07) (Work sessions held 9/13/07 & 10/12/07)**

**HELD**

- 07-O-2505 ( 6)     An Ordinance by Councilmembers Howard Shook, H. Lamar Willis, Mary Norwood, Joyce Sheperd, Anne Fauver, Natalyn M. Archibong, Clair Muller, Caesar C. Mitchell and Ivory L. Young, Jr. amending Section 130-84 (Rates and Charges) of the Code of Ordinances of the City of Atlanta for the purpose of eliminating the Solid Waste Frontage Fee; and for other purposes. **(Amended and held 11/27/07 for further review.)**

**HELD**

- 07-O-2604 ( 7)     An Ordinance by Councilmember Clair Muller to amend Part 15, Section 15-09.004 of the City's Land Subdivision Ordinance in the City of Atlanta's Code of Ordinances for the purpose of defining sanitary sewer connection requirements for Land Subdivisions; and for other purposes. **(Held 12/11/07 for further review.)**

**HELD**

- 07-O-2605 ( 8)     An Ordinance by Councilmember Clair Muller to amend Chapter 154, Utilities, Article IV, Sewer Construction and Assessments, Division 1 of the City Code of Ordinances for the purpose of defining Sanitary Sewer Connection Requirement; and for other purposes. **(Held 12/11/07 for further review.)**

**HELD**



**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-R-0008 ( 9)     A Resolution by City Utilities Committee authorizing the Mayor to accept on behalf of the City of Atlanta certain property at intersection of Brenda Drive and Fairburn Road in Land Lot 35 of the 14<sup>th</sup> (FF) District, Fulton County Georgia, as described in the attached Exhibits "A" and "A-1" by execution of a Quitclaim Deed conveying land to the City for development of a Pump Station; and for other purposes. **(Held 1/15/08 for further review.)**

**HELD**

- 08-O-0481 (10)     An Ordinance by City Utilities Committee amending the 2008 (1994, 1997 G. O. Public Improvement Bond Fund) Budget by transferring from and to appropriations in the amount of \$2,023,948.81, to fund the Assets Management and Improvement Program; and for other purposes. **(Held 4/1/08 for further review.)**

**HELD**

- 08-O-0562 (11)     An Ordinance by Councilmember Anne Fauver **as amended by City Utilities Committee** amending the Code of Ordinances of the City of Atlanta by deleting a sentence in subparagraph (f); and for other purposes. **(Held 4/1/08 for further review.)**

**HELD**

- 08-R-0682 (12)     A Resolution by City Utilities Committee authorizing the Mayor to execute Renewal Agreement No. 1 with SD&C, Inc., for FC-3006007969, Pryor Road Streetscape Project, on behalf of the Department of Public Works, in order to continue the Streetscape Improvement Projects along Pryor Road; and for other purposes. **(Held 5/5/08 for further review)**

**HELD**

**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-R-0684 (13) A Resolution by Councilmember Natalyn Archibong **as substituted by City Utilities Committee** authorizing the Mayor to execute Renewal No. 1 with Precision 2000, Inc., for FC-3006007964, Metropolitan Parkway Phase I and Phase II Streetscape Project, on behalf of the Department of Public Works, in an amount not to exceed \$681,000.00; all contracted work shall be charged to and paid from Various Fund Department and Account Numbers; and for other purposes.  
**(Councilmember Archibong made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 08-O-1000 (14) An Ordinance by Committee on Council to amend Chapter 154, Article II (Entitled "Water and Sewer Billing and Collection Procedures"), Section 154-26 of the Code of Ordinances of the City of Atlanta, so as to revise Subsection 154-26(d) which contains maximum yearly term requirements of the Water and Sewer Appeals Board at variance with provisions set out at Section 2-1854 of the Code of Ordinances that establishes terms of Office for Boards and Commissions; to waive conflicting ordinances; and for other purposes. **(Held 5/13/08 for further review.)**

**HELD**

- 08-O-1028 (15) An Ordinance by City Utilities Committee to accept a permanent construction easement and the necessary rights-of-way from various property owners for the installation of new permanent traffic signalization along the detour route for the Hollywood Road Bridge Replacement Project; to authorize the Mayor to negotiate with affected property owners and to use all means necessary to acquire necessary

**PAPERS HELD IN COMMITTEE (CONT'D)**

property interests up to and including condemnation proceedings and to authorize the City Attorney to institute condemnation proceedings pursuant to the Declaration of Taking Method authorized by O.C.G.A. Section 32-3-4 in an amount not to exceed \$250,000.00 which will come from Impact Fees charged to developers; all contracted work will be charged to and paid from Fund Department Organization and Account Numbers: 3502 7\*\*\*\*\*130308\*\*\*\*\*; and for other purposes. **(Held 6/10/08 for further review.)**

**HELD**

- 08-R-1030 (16) A Resolution by City Utilities Committee authorizing the Mayor to accept a quitclaim easement deed on Norfolk Southern Railway Company property running under the Hollywood Road Bridge located between Perry Boulevard and Burtz Street, for the purpose of allowing the City public right-of-entry for maintenance of the approaches to the Hollywood Road Bridge and for maintenance of the Bridge; and for other purposes. **(Held 5/27/08 for further review)**

**HELD**

- 08-R-1031 (17) A Resolution by City Utilities Committee authorizing the Mayor to enter into an agreement which authorizes the Norfolk Southern Railway Company to install a new Hollywood Road Bridge above the railroad's right-of-way that runs below Hollywood Road between Perry Boulevard and Burtz Street, to relocate a Department of Watershed Management Water Main running across the surface of the present bridge, to cause the City to assist, if necessary in the permanent acquisition of easements to permit the installation of traffic control devices along the temporary detour route to be used during bridge construction, to require the railroad to deliver to the City a new easement over the railroad's property under the Hollywood Road Bridge; and for other purposes. **(Held 5/27/08 for further review)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-R-1126 (18) A Resolution by Councilmember Carla Smith **as substituted by City Utilities Committee** authorizing payment of stipulated penalties imposed by the Environmental Protection Agency (EPA) and the Environmental Protection Division of the Department of Natural Resources of the State of Georgia (EPD) in the amount of \$31,250.00 as stipulated penalties for the violation of Operational Standards at the Clear Creek CSO \$8,500.00 on June 14, 2008, Sample Collection Standards at the Intrenchment Creek CSO \$6,000.00 on May 15, 2008 and Reporting Standards at South River WWTP on April 16, 2008 \$6,750.00 pursuant to the CSO Consent Decree, Civil Action File No. 1:95-CV-2550-TWT and GUST 391-3-15,06; to identify the source of funding; and for other purposes.  
**(Councilmember Shook made a motion to approve on substitute.)**

**FAVORABLE ON SUBSTITUTE**

- 08-R-1157 (19) An **Amended** Resolution by City Utilities Committee authorizing the Mayor to execute a Local Government Project Agreement between the City of Atlanta and the Georgia Department of Transportation for various Transportation Improvement Project; and for other purposes.  
**(Councilmember Shook made a motion to approve as amended.)**

**FAVORABLE AS AMENDED**

- 08-O-1213 (20) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell to amend Chapter 130, Solid Waste Management Division 1, Section 130-37(b)(6) by deleting subsection (d).  
**(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

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**PAPERS HELD IN COMMITTEE (CONT'D)**

- 08-O-1215 (21) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell requiring the initiation of a Pay-As-You-Throw or Volume-Based Billing Collection Program for Solid Waste Services in the City of Atlanta.

**(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

- 08-O-1216 (22) An Ordinance by Councilmembers Clair Muller and Ceasar C. Mitchell adjusting the proposed 2009 Solid Waste Services Program at a neutral dollar amount by collecting recyclables weekly and ceasing collection of yard trimmings.

**(Councilmember Muller made a motion to file.)**

**FILE**

- 08-O-1217 (23) An Ordinance by Councilmember Clair Muller eliminating "Front Footage" billing on Solid Waste Services Bill and adding to the bill an amount for "Common Good Services" citywide for right-of-way cleaning where needed. **(Held 6/10/08 at the request of the author for further review by the Department of Public Works.)**

**HELD**

- 08-O-1234 (24) An Ordinance by Councilmembers Natalyn Archibong, Joyce M. Sheperd, Felicia A. Moore, Mary Norwood, H. Lamar Willis, C. T. Martin, Clair Muller, Kwanza Hall and Ceasar C. Mitchell requiring the City of Atlanta's Department of Watershed Management to report to the City Council detailed information on efforts to obtain Federal Grants; and for the purposes.

**(Councilmember Muller made a motion to file.)**

**FILE**

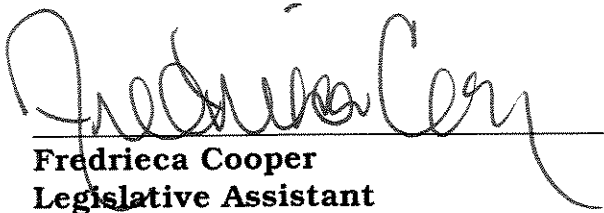
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**H. REQUESTED ITEM**

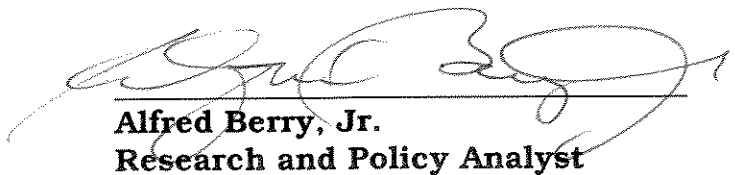
1. Councilmember Muller requested the Department of Watershed Management present to the committee a discussion on storm water at some date in the future.

**There being no further business to come before the Committee, the meeting was adjourned at 10:20 a.m.**

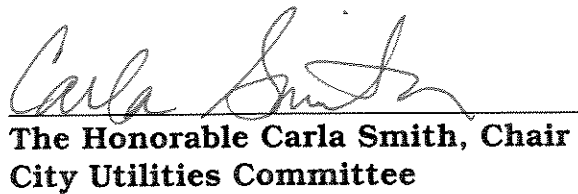
**Respectfully Submitted:**



**Fredriecca Cooper**  
**Legislative Assistant**



**Alfred Berry, Jr.**  
**Research and Policy Analyst**



**The Honorable Carla Smith, Chair**  
**City Utilities Committee**